

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-1087
(Lead)

\$88,029.08, MORE OR LESS,
IN UNITED STATES CURRENCY,

Defendant;

(Katherine Anne Hoover, M.D. and
John F. Tomasic;
No pending federal criminal charges)

UNITED STATES RESPONSE MOTION FOR SANCTIONS
AGAINST MAGISTRATE JUDGE MARY STANLEY

Comes now the plaintiff, United States of America, by counsel, Betty A. Pullin, Assistant United States Attorney for the Southern District of West Virginia, and hereby responds to claimants' "Motion for Sanctions Against Magistrate Judge Mary Stanley" (ECF 152) as follows:

1. Sanctions under Rule 11, Federal Rules of Civil Procedure, apply only to attorneys, law firms or parties who violate Rule 11(b). See, F.R. Civ. P. 11(c)(1). Imposition of such sanctions against a judicial officer would be totally inappropriate.

2. Magistrate Judge Stanley's Proposed Findings and Recommendations are subject to de novo review by the district

court, following the receipt of any objections, as the district court has previously advised the parties. See, Order filed January 12, 2012 (ECF 148). To the extent the district court does not agree with the proposed findings and recommendations, the district court will make its own findings when ruling on the parties' motions and responses.

WHEREFORE, for the foregoing reasons, the United States respectfully requests that the Motion for Sanctions against Magistrate Judge Stanley be denied.

Respectfully submitted,

UNITED STATES OF AMERICA
By Counsel

R. BOOTH GOODWIN II
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that the "UNITED STATES RESPONSE TO 'MOTION FOR SANCTIONS AGAINST MAGISTRATE JUDGE STANLEY'" was electronically filed with the Court and served on the following by regular United States mail, on this 21st day of February, 2012:

Katherine Anne Hoover, M.D. and
John F. Tomasic
c/o Norman Gay, M.D.
N-3222
West Bay Medical Clinic
Nassau, N.P., Bahamas

By: s/Betty A. Pullin
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